

Serial No. 09/811,199

Atty. Docket No. FIB 0094 PA

The rejections of claims 1, 3, 5, 7, 8, 10-13, and 15 under 35 U.S.C. §102(b) as being anticipated by Parish, under 35 U.S.C. §102(e) as being anticipated by Patel, and under 35 U.S.C. §103(a) as being unpatentable over Parish or Patel have been overcome.

Parish teaches a sprayable, high solids, low-volatiles filler composition which includes a first filler/glazing component, a catalyst component, and a second organic solvent component. See col. 2, line 50 to col. 3, line 10. The second solvent is added to the first filler/glazing component before the catalyst is added. See col. 6, lines 6-8, lines 30-34, and 54-58, and col. 7, lines 11-15. The catalyst component is not stabilized with a solvent. Thus, Parish does not teach or suggest the stabilized methyl ethyl ketone peroxide catalyst, as now claimed.

Patel teaches quick drying coating compositions for fingernails. The base component includes a primary film-forming polymer, a secondary film-forming polymer, a reactive species compatible with the film-forming polymers, plasticizer, a solvent system, and a free radical source. The free radical source is not stabilized with a solvent. The free radical source was incorporated in the polyethyl methacrylate polymer, a film-forming polymer. See col. 11, line 22. Patel does not teach or suggest the stabilized methyl ethyl ketone peroxide catalyst as now claimed.

As to claim 12 (now claim 24), the examiner stated that "[t]here is no patentable significance in forming such a composition prior to addition to the ester in Patel or Parish." The stabilized methyl ethyl ketone peroxide catalyst has a shelf life of over 6 months, as now claimed. Neither Parish nor Patel teach or suggest such a stabilized methyl ethyl ketone peroxide catalyst.

As to claim 8 (now claim 21), neither Parish nor Patel teaches or suggests "mixing methyl ethyl ketone peroxide with a sufficient amount of solvent to form a stabilized methyl ethyl ketone peroxide catalyst having a shelf life of over 6 months," as now claimed. The use of the stabilized methyl ethyl ketone peroxide catalyst allows the formation of a stabilized primer composition with a shelf life of over 6 months.

Therefore, neither Parish nor Patel anticipate or render obvious the claimed invention.

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The rejections of claims 12 and 15 under 35 USC § 102(b) as being anticipated by Leveskis and under 35 USC §103(a) as being unpatentable over Leveskis have been overcome. Leveskis teaches a ketone peroxide composition containing a solvent that is miscible with the organic peroxide and which has a boiling point between about 185°-225°C. The solvent must have a boiling point within the specified range to provide the desired heat stability. See col. 1, lines 12-22, col. 4, lines 9-end, and col. 5, line 65 to col. 6, line 12. Leveskis teaches away from using low boiling point solvents such as ethyl acetate, methyl acetate, t-butyl acetate as now claimed. Therefore, Leveskis does not teach or suggest the stabilized methyl ethyl ketone peroxide catalyst. Thus, Leveskis does not anticipate or render obvious the claimed invention.

CONCLUSION

Applicants respectfully submit that, in view of the above remarks, the application is now in condition for allowance. Early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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APPENDIX

IN THE SPECIFICATION

Please amend page 4, lines 1-4 to read:

"The primer composition comprises an ester, a methyl ethyl ketone peroxide, and a sufficient amount of solvent to stabilize the methyl ethyl ketone peroxide. The ester can be polyester, vinyl ester, vinyl polyester, and mixtures thereof. The amount of the ester is in the range of 20-40% by weight. The amount of methyl ethyl ketone peroxide used is in the range of 1-5% by weight. The amount of methyl ethyl ketone peroxide in the primer composition is 5-20% by weight."

IN THE CLAIMS

Please cancel claims 1, 3, 5, 7, 8, 10-13, and 15.

Please add the following new claims:

16. (New) A primer composition comprising:

an ester; and

a stabilized methyl ethyl ketone peroxide catalyst consisting essentially of methyl ethyl ketone peroxide and a sufficient amount of solvent to stabilize the methyl ethyl ketone peroxide, wherein the solvent is selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof;

wherein the primer composition has a shelf life of over 6 months.

17. (New) The primer composition of claim 16 wherein the ester is selected from polyester, vinyl ester, vinyl polyester, or mixtures thereof.

18. (New) The primer composition of claim 16 wherein the amount of the ester is between 20% and 40% by weight.

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19. (New) The primer composition of claim 16 wherein the amount of methyl ethyl ketone peroxide is between 1% and 5% by weight.

20. (New) The primer composition of claim 16 wherein the amount of methyl ethyl ketone peroxide is between 5% and 20% by weight.

21. (New) A method of making a stabilized primer composition comprising:
mixing methyl ethyl ketone peroxide with a sufficient amount of solvent to form a stabilized methyl ethyl ketone peroxide catalyst having a shelf life of over 6 months, wherein the solvent is selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof; and
adding the stabilized methyl ethyl ketone peroxide catalyst to a primer composition to form the stabilized primer composition, wherein the stabilized primer composition has a shelf life of over 6 months.

22. (New) The method of claim 21 wherein the amount of methyl ethyl ketone peroxide is between 1% and 5% by weight.

23. (New) The method of claim 21 wherein the amount of methyl ethyl ketone peroxide is between 5% and 20% by weight.

24. (New) A stabilized methyl ethyl ketone peroxide catalyst consisting essentially of:

methyl ethyl ketone peroxide; and

a sufficient amount of a solvent to stabilize the methyl ethyl ketone peroxide to form the stabilized methyl ethyl ketone peroxide catalyst, the solvent selected from ethyl acetate, methyl acetate, t-butyl acetate, or mixtures thereof, wherein the stabilized methyl ethyl ketone peroxide catalyst has a shelf life of over 6 months.

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25. (New) The stabilized methyl ethyl ketone peroxide catalyst of claim 24 wherein the amount of methyl ethyl ketone peroxide is between 1% and 5% by weight.